

**IN THE UNITED STATES DISTRICT COURT  
OF THE EASTERN DISTRICT OF TEXAS  
TEXARKANA DIVISION**

**ROBERT CARR**

**Plaintiff**

**V.**

**PETE GEREN, in his official capacity as  
Secretary of the Army**

**Defendant**

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**No. 5:08CV183**

**MEMORANDUM ORDER**

The above-entitled and numbered civil action was heretofore referred to United States Magistrate Judge Caroline M. Craven pursuant to 28 U.S.C. § 636. The Report of the Magistrate Judge which contains her proposed findings of fact and recommendations for the disposition of such action has been presented for consideration. No objections to the Report and Recommendation were filed. The Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct. Therefore, the Court hereby adopts the Report of the United States Magistrate Judge as the findings and conclusions of this Court. Accordingly, it is

**ORDERED** that Defendant's Motion to Dismiss (Dkt. No. 4) is **GRANTED**. It is further

**ORDERED** that Plaintiff's above-entitled and numbered cause of action is **DISMISSED WITHOUT PREJUDICE**.

**SIGNED this 2nd day of December, 2009.**



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DAVID FOLSOM  
UNITED STATES DISTRICT JUDGE